

Final Report

of the
West Yellowstone Local Government
Review Study Commission

2015

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LGSC Letter to Citizens

**SUMMARY OF FINDINGS AND RECOMMENDATIONS
OF THE WEST YELLOWSTONE
LOCAL GOVERNMENT REVIEW COMMISSION**

Dear Citizens of West Yellowstone,

The West Yellowstone Local Government Review Commission, elected by the voters last November, are unanimous in proposing for consideration by the Town voters the following:

We recommend no change in the form of government. We do recommend the amended charter to clarify ambiguous language, to correctly name the Town Manager, to add clarity to the duties and responsibilities of the Town Manager, and to encourage timely implementation of the amended charter as well as timely reviews of town documents.

We urge all West Yellowstone Voters to study the proposed amended charter and the current charter (copies of which are available on the Town's website www.townofwestyellowstone.com or by stopping for FREE copies at the Town offices at 440 Yellowstone Avenue) and to discuss the amended charter with members of the Study Commission.

Sincerely,

Richard Gibson, Blaize "Doc" Stewart, Marysue Costello
West Yellowstone Government Review Commission

Please remember to **VOTE** on November 3.

Remember copies of the current charter and the proposed charter are available on the Town's website www.townofwestyellowstone.com or by stopping for FREE copies at the Town offices at 440 Yellowstone Avenue.

TOWN OF WEST YELLOWSTONE
COMPARISON OF SPECIFIC CHARACTERISTICS OF THE
EXISTING CHARTER AND THE PROPOSED AMENDED CHARTER

CHARACTERISTIC	PRESENT	PROPOSED	COMMENTS
FORM OF GOVERNMENT	CHARTER FORM with council manager plan of government Elected council performs policymaking functions. Appointed Operations Manager carries out policy and supervises Town Departments	CHARTER FORM with council manager plan of government Elected council performs policymaking functions. Appointed Town Manager carries out policy and supervises Town Departments	No change in the form of government.
QUALIFICATIONS	Council members shall reside within the Town limits and shall be qualified voters of the Town of West Yellowstone.	Council members shall make their principal residence (as interpreted by the federal Internal Revenue Service) within the Town limits and shall be qualified voters of the Town of West Yellowstone.	Changes remove reside and add make their principal residence (as interpreted by the IRS).
CHIEF EXECUTIVE/ ADMINISTRATIVE OFFICER	The appointed Town Operations Manager serves as executive and administrative officer to carry out policy of the council and supervise all Town departments.	The appointed Town Manager serves as executive and administrative officer to carry out policy of the council and supervise all own departments.	Change Town Operations Manager title to Town Manager
POWER AND DUTIES	The Operations Manager shall implement and enforce the ordinances, resolutions, polices, directives and contracts approved by Town council. The Operations Manager shall administer the affairs of the Town, prepare the budget for council approval, supervise all Town departments and offices, and shall, after consultation with the appropriate department head, appoint, suspend or remove all employees of the Town under the supervision and direction of the Town council.	(1) The Town council shall appoint a Town Manager who shall serve under contract as the chief executive officer and chief administrative officer of the Town. (2) The Town Manager shall have the following responsibilities: (a) implement and enforce the ordinances, resolutions, policies, directives and contracts approved by Town council (b) administer the affairs of the Town (c) prepare the budget for council approval (d) recommend long-range planning strategies and economic development issues affecting public services and fiscal solvency (e) oversee agenda for Town council meetings (f) supervise all Town departments and offices (g) appoint all Town employees (h) suspend all Town employees. (i) remove all Town employees after consultation with the appropriate department head and with the advice and consult of the Town council.	Clarifies ambiguities
TRANSITION		The Town council shall review and, where necessary, revise or repeal all Town ordinances and resolutions and policies to provide for their compliance with this Charter. This shall be completed by December 31, 2017. Upon passage of the Charter by the electors at the November 2015 election, this Charter will become effective immediately.	

August 4, 2015
Final Report to the Town of West Yellowstone
From the Local Government Review Commission
2015

The Local Government Study Commission (LGRC) has completed its task of studying the government of the Town of West Yellowstone. We received input from town department heads, town council members and citizens who informally spoke to one or more of us. Citizens were invited to participate in a survey that was published in the West Yellowstone News and also made available on-line. Just 30 surveys were returned.

In addition to monthly meetings, the LGRC conducted two public hearings. All minutes and results of the surveys are available at the town offices.

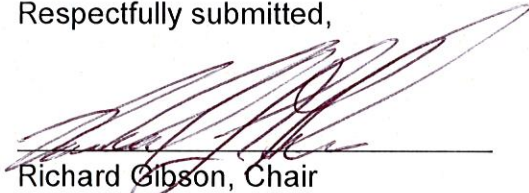
The LGRC heard concerns from citizens regarding what they felt was a lack of communication. As well, concern was heard that citizens considering council positions may have insufficient understanding about the duties and expectations of council members. Also LGRC members heard that there was a desire to see elected council members receive more training. These were determined to be items to be addressed and yet outside the scope of the duties of the commission.

We recommend no change in the form of government. We do recommend the amended charter to clarify ambiguous language, to correctly name the Town Manager, to add clarity to the duties and responsibilities of the Town Manager, and to encourage timely implementation of the amended charter as well as timely reviews of town documents.


All recommendations of the commission can be found in the copies of the current charter and the proposed charter attached to this report.

In all of this process, the LGRC was disappointed in the lack of citizen participation especially considering that more than 100 citizens voted in favor of convening a LGRC.

Respectfully submitted,


Richard Gibson, Chair


Marysue Costello


Blaize "Doc" Stewart

Certificate "A" – Current plan of government
CHARTER
FOR THE TOWN OF WEST YELLOWSTONE
(Preamble)

We the citizens of West Yellowstone, for the purpose of establishing a just form of fundamental law--one that is responsible to the public for providing equal and adequate services and protections, with efficient use of the community's revenue for all, one that provides for self governing powers with respect to the health, safety, and welfare of every citizen and; one that utilizes the utmost flexibility to plan for the future--do establish this Charter for the Town of West Yellowstone of the State of Montana.

ARTICLE I
POWERS OF THE TOWN

Section 1.01 Powers of the Town

The Town shall have all powers possible for a self government to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

Section 1.02 Mill Levy

(1) There shall be no new kinds of taxes levied without an affirmative vote of a simple majority of votes cast in an election on the question.

(2) Should the electorate approve any kind of non-property tax, the following mill levy reduction shall occur:

In each fiscal year, anticipated receipts from a local option, non-property tax not in effect when this charter takes effect shall be applied to reduce the property tax mill levy for the fiscal year by an amount equal to at least 5 percent of the local option, non-property tax receipts for the previous fiscal year.

Section 1.03 Self -Government Authority

The Town shall have the authority to exercise those self- governing powers not prohibited by the constitution, law or this charter.

Section 1.04 Construction

The powers of the Town under this Charter shall be construed liberally in favor of the Town and specific mention of particular powers in the Charter shall not be construed as limiting in anyway the powers stated in this article.

ARTICLE II TOWN BOUNDARIES

Section 2.01 Town Boundaries

The corporate boundaries of the Town of West Yellowstone, Montana shall remain fixed and established, as they exist on the date this charter takes effect, provided that the Town shall have the power to change its boundaries in the manner provided by law.

ARTICLE III ORGANIZATION OF THE TOWN

Section 3.01 Oath of Office

Before beginning the duties of office, all elected Town officials shall take and subscribe to the oath of office established in Article III, Section 3 of the Constitution of Montana.

Section 3.02 Structure of Government

The governing body of the Town of West Yellowstone shall be a Town council consisting of five council members, one of who shall be the mayor who shall be selected by the council from among its own number pursuant to Section 3.05(1).

Section 3.03 Town Council: Composition, Powers and Meetings

(1) All of the powers of the Town shall be vested in the Town council except as otherwise provided by law or this Charter.

(2) The Town council shall meet regularly at least once a month at such times and places as the council may prescribe. Special meetings may be held on the call of the mayor or three members of the council. Such special meetings shall be public and, whenever practicable, called only upon forty-eight (48) hours notice to the public.

(3) A quorum of the council shall be constituted by the presence of any three (3) council members, one of whom may be the mayor.

(4) The council's presiding officer may close the council meeting to the public only as provided by law.

Section 3.04 Town Council: Election, Terms, Qualifications, Remuneration, Removal and Filling Vacancies

- (1) Five council members shall be elected at large on a nonpartisan basis.
- (2) Council members shall have a term of office of four years.
- (3) Council members shall reside within the Town limits and shall be qualified voters of the Town of West Yellowstone.
- (4) The council shall establish by ordinance the compensation of its members and the mayor.
- (5) The office of council member shall become vacant upon the death, resignation, forfeiture or removal from office by any method authorized by law.

(6) When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall appoint from among the qualified voters in the Town a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 3.05 The Mayor: Election, Powers, Duties, Removal and Filling a Vacancy

- (1) The mayor shall be selected from among the members of the Town council by the affirmative vote of a majority of the council.
- (2) The council member selected shall serve as the mayor for one year unless selected for an additional term by the council.
- (3) The mayor so selected may be removed by four (4) council member votes, whereupon, a new mayor shall be selected by the council.
- (4) The mayor shall be the presiding officer of the council, shall vote as other council members and may not veto measures approved by the council. In the absence of the mayor, the council shall appoint one of the council members present to serve as presiding officer.
- (5) The mayor shall be the ceremonial officer of the town and shall have no other duties or responsibilities except, when required by the council and in the absence of the town operations manager, the mayor shall perform all administrative duties of the town operations manager.
- (6) The office of mayor shall become vacant upon the death, resignation or removal from office by any method authorized by law or this charter. A successor mayor shall be appointed by the council as provided in Section 3.05(1).

Section 3.06 Operations Manager

(1) The Town council shall appoint a Town operations manager who shall serve under contract as the chief executive and administrative officer of the Town.

(2) The operations manager shall implement and enforce the ordinances, resolutions, policies, directives and contracts approved by Town council. The operations manager shall administer the affairs of the Town, prepare the budget for council approval, supervise all Town departments and offices, and shall, after consultation with the appropriate department head, appoint, suspend or remove all employees of the Town under the supervision and direction of the Town council.

(3) The Town council shall enter into a contract with said operations manager, which shall specifically outline the conditions of employment. Said contract shall not exceed duration of two years unless specifically renewed by majority vote of the Town council.

(4) The Town operations manager may be removed from office by three affirmative votes of the Town council.

Section 3.07 Town Departments

The Town council shall establish by ordinance any departments necessary to perform the duties and obligations imposed upon the Town by law or this charter.

ARTICLE IV
BOARDS, COMMISSIONS AND COMMITTEES

Section 4.01 Boards, Commissions and Committees

The Mayor may appoint, with the consent of the Town council, such boards, commissions or committees, as the council deems necessary. These bodies shall serve at the pleasure of the council and will exercise only those powers granted them by the council through specific resolution or ordinance.

ARTICLE V
GENERAL PROVISIONS: INITIATIVE, REFERENDUM
RECALL, SEVERABILITY AND AMENDMENTS

Section 5.01 Initiative and Referendum

Procedures for initiative and referendum shall be as required by law.

Section 5.02 Recall Provisions

Any member of the Town council including the mayor may be removed from office by recall of the electors of the Town, as provided by law.

Section 5.03 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 5.04 Amendment of the Charter

This Charter may be amended only as provided by law. An affirmative vote of a simple majority of votes cast in an election on this question shall amend the Charter.

Certificate "B" – proposed plan of government
CHARTER
FOR THE TOWN OF WEST YELLOWSTONE
(Preamble)

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(3) A quorum of the council shall be constituted by the presence of any three (3) council members, one of whom may be the mayor.

(4) The council's presiding officer may close the council meeting to the public only as provided by law.

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- (4) The council shall establish by ordinance the compensation of its members and the mayor.
- (5) The office of council member shall become vacant upon the death, resignation, forfeiture, or removal from office by any method authorized by law.
- (6) When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall appoint from among the qualified voters in the Town a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

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- (3) The mayor so selected may be removed by four (4) council member votes, whereupon, a new mayor shall be selected by the council.
- (4) The mayor shall be the presiding officer of the council, shall vote as other council members and may not veto measures approved by the council. In the absence of the mayor, the council shall appoint one of the council members present to serve as presiding officer.
- (5) The mayor shall be the ceremonial officer of the town and shall have no other duties or responsibilities except, when required by the council and in the absence of the Town manager, the mayor shall perform all administrative duties of the Town manager.
- (6) The office of mayor shall become vacant upon the death, resignation or removal from office by any method authorized by law or this charter. A successor mayor shall be appointed by the council as provided in Section 3.05(1).

Section 3.06 Town Manager

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(2) The Town manager shall have the following responsibilities:

- (a) implement and enforce the ordinances, resolutions, policies, directives and contracts approved by Town council.
- (b) administer the affairs of the Town.
- (c) prepare the budget for council approval.
- (d) recommend long-range planning strategies and economic development issues affecting public services and fiscal solvency.
- (e) oversee agenda for Town council meetings.
- (f) supervise all Town departments and offices.
- (g) appoint all Town employees.
- (h) suspend all Town employees.
- (i) remove all Town employees after consultation with the appropriate department head and with the advice and consult of the Town council.

(3) The Town council shall enter into a contract with said Town manager, which shall specifically outline the conditions of employment. Said contract shall be for an initial term of not less than three years and not more than five years and may be extended by majority vote of the Town council.

(4) The Town manager may be removed from office by three affirmative votes of the Town council.

Section 3.07 Town Departments

The Town council shall establish by ordinance any departments necessary to perform the duties and obligations imposed upon the Town by law or this charter.

ARTICLE IV

BOARDS, COMMISSIONS AND COMMITTEES

Section 4.01 Boards, Commissions and Committees

The Mayor may appoint, with the consent of the Town council, such boards, commissions or committees, as the council deems necessary. These bodies shall serve at the pleasure of the council and will exercise only those powers granted them by the council through specific resolution or ordinance.

Article VI
Transition

Section 6.01 Review of existing ordinances and policies

The Town council shall review and, where necessary, revise or repeal all town ordinances and resolutions and policies to provide for their compliance with this Charter. This shall be completed by December 31, 2017.

Section 6.02 Effective Date

Upon passage of this Charter by the electors at the November 2015 election, this Charter will become effective immediately.

CERTIFICATE C
ESTABLISHING THE DATE OF THE ELECTION
AT WHICH THE AMENDMENTS TO THE TOWN CHARTER
SHALL BE PRESENTED TO THE ELECTORS OF THE
TOWN OF WEST YELLOWSTONE

The amendments to the existing city charter proposed by the Local Government Review Study Commission shall be submitted to the voters of West Yellowstone at a special election to be held with the general election on November 3, 2015.



We, the Local Government Review Study Commissioners of the Town of West Yellowstone, do hereby certify that this is the date of the special election approved by the Study Commissioners to the Town of West Yellowstone.

In testimony whereof, we set our hands.

Done at West Yellowstone, Montana this
4th Day of August, 2015

ATTEST:



Town Clerk, Town of West Yellowstone



Richard L. Gibson



Marysue Costello



Blaize Stewart

LOCAL GOVERNMENT REVIEW STUDY COMMISSIONERS

CERTIFICATE D
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 3, 2015 GENERAL ELECTION

Instruction to voter: Place an "X" in the boxes that express your preferences.

OFFICIAL BALLOT
BALLOT ON THE ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for One.

☐

For adoption of the amendments to the existing Town charter proposed for the Town of West Yellowstone by the report of the West Yellowstone Local Government Review Study Commission.

☐

For the existing form of government.



We, the Local Government Review Study Commission of the Town of West Yellowstone, do hereby certify that this is the official ballot approved by the Study Commissioners of the Town of West Yellowstone.

In testimony whereof, we set our hands.

Done at West Yellowstone, Montana this
4th Day of August, 2015

ATTEST:

Town Clerk, Town of West Yellowstone

Richard L. Gibson

Marysue Costello

Blaize Stewart

LOCAL GOVERNMENT REVIEW STUDY COMMISSIONERS